

# **NOTICE OF HEARING**

**STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER RESOURCES  
William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243-1102  
For Hearing Inquiries Call (423)741-0199**

PH-14001

March 10, 2014

**NOTICE IS HEREBY GIVEN**, the Division of Water Resources (DWR) will hold a public hearing pursuant to Rule 400-40-05-.06(8) and 400-40-07-.04(4)

**Place:**           **West Greene High School Gymnasium  
275 West Greene Drive  
Mosheim, TN 37818**

**Date:**           **April 17, 2014**

**Schedule:**     **5:00 PM EDT - Open House Informational Session  
7:00 PM EDT - Proposed Permits Presentation & Public Hearing**

Public comments will be received concerning the proposed permit actions described below. The proposed permits contain limitations on the amounts of pollutants to be discharged, in accordance with Federal and State standards and regulations. Permit conditions are tentative and subject to public comment. Tennessee is noticing a public hearing due to a request for public hearing and public interest of water permitting issues in the area.

Two National Pollutant Discharge Elimination System (NPDES) permits are proposed by the Tennessee Department of Environment and Conservation (TDEC): 1) a modified Individual NPDES Permit (average daily discharges up to 0.36 MGD) to Lick Creek Valley (Mosheim) Wastewater Treatment Plant (WWTP), Permit Number TN0059366, located at 420 Pottertown Road in Mosheim, TN 37809, Greene County, Tennessee; and 2) a new Individual NPDES Permit (average daily discharges up to 0.57 MGD) to US Nitrogen LLC, Permit Number TN0081566, located at 471 Pottertown Road in Midway, TN 37809, Greene County, Tennessee.

First, the Mosheim treatment facility is authorized to discharge under the current NPDES permit. TDEC issued a notice requesting public comments on Mosheim's application for permit modification in Public Notice Number MMXIII-019 on October 7, 2013. TDEC received a request for public hearing regarding the proposed permit action and its effect on Lick Creek. The permit modification adds internal monitoring points to encompass loads of US Nitrogen LLC, located at 471 Pottertown Road in Midway, Greene County, TN, into existing wasteload allocations of the Mosheim WWTP via treatment of process water and pretreatment of non-contact cooling water and reverse osmosis blow-down water. Existing and proposed discharge is to Mile 23.3 of Lick Creek. This modification to the Mosheim WWTP permit will enable an average daily discharge of 0.36 MGD from the manufacturing operation of US Nitrogen LLC. The proposed activity is contingent on a local pretreatment permit issued by Mosheim. Any increase in average discharge amounts are expected to be beyond the proposed permitted treatment capability of the current Mosheim WWTP.

Second, the new Individual NPDES proposed permit to US Nitrogen LLC is to authorize treatment and discharge of process, non-process, and cooling water from production of nitric acid, ammonia, and ammonium nitrate solution with average daily discharges up to 0.57 MGD. Proposed discharge is to Mile 20.8 of the Nolichucky River. The TDEC has determined that the activity will not cause degradation above a de minimis level of an Exceptional Tennessee Water. TDEC issued notice requesting public comments on US Nitrogen's application for permit in Public Notice Number MMXIV-005 on March 10, 2014.

Lastly, TDEC is seeking comments concerning an application by US Nitrogen LLC for an Aquatic Resource Alteration Permit and a §401 water quality certification that would authorize the withdrawal of water from the Nolichucky River near Conway Bridge -- Nolichucky River mile 20.8. No decision has been made whether to issue or deny the permit for which this application is presented. The proposal includes construction of an intake structure and pipeline from the Nolichucky River to the plant location approximately 8.5 miles to the northeast. This pipeline requires about 20 different crossings of streams along the way. Associated with the intake and pipeline is an outfall structure and associated pipeline from the plant. The majority of both the raw water pipe and the outfall pipe for NPDES permit number TN0081566 would be placed in the same trench. For more detailed information regarding this proposal, please refer to the public notice located on the division's website; <http://www.tn.gov/environment/ppo/docs/water/nrs13-205.pdf>.

Prior to opening the formal public hearing, an open house informational session will be held from 5:00 to 7:00 PM EDT. TDEC staff and the applicants will be available to answer questions and provide information during the open house informational session. At 7 p.m., TDEC staff and the applicants will provide brief presentations about the proposed permits and the formal public hearing will begin. Once the formal public hearing begins, the question and answer format will end and all public comments will be collected for the hearing record without response from TDEC staff during the formal public hearing.

The hearing officer may limit the length of oral presentation in order to allow all parties an opportunity to speak. The department may consider only comments relative to water quality in making final permit determinations. TDEC will accept written testimony at the hearing and for ten (10) working days following the hearing through May 1, 2014. Oral testimony at the hearing and written testimony received through May 1 will be considered part of the public comment period.

To comment on these permit issuance or proposed conditions, submit oral or written comments at the public hearing or submit written comments to TDEC-DWR, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville, TN 37243. Comments should be received no later than 11:59 p.m. May 1 and should include the applicant name and permit number. TDEC staff will provide written responses to all oral and written comments following the public comment period prior to making a final determination on the permit actions.

Interested persons may obtain additional information, a copy of the draft permits, and the rationale, and inspect and copy forms and related documents at the Division's Central Office at the address listed above, Attn: Ms. Elizabeth Rorie, (615) 532-1172, or at the Johnson City Environmental Field Office located at 2305 Silverdale Road, Johnson City, TN 37601, (423) 854-5400 or refer to the to the division's water resources permits dataviewer, [http://environment-online.state.tn.us:8080/pls/enf\\_reports/f?p=9034:34001](http://environment-online.state.tn.us:8080/pls/enf_reports/f?p=9034:34001) and search "US Nitrogen".

Individuals with disabilities who wish to participate in these proceedings (or review the administrative file record) should contact the TDEC to discuss any auxiliary aids or services needed to facilitate such participation. Contact may be in person, by writing, telephone, or other means, and should be made no less than ten working days prior to April 17, 2014, to allow time to provide such aid or services. Contact the ADA Coordinator at (1-866-253-5827) for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

You may reach Ms. Maybelle T. Sparks, the permit writer, for further information at (615) 532-0651, or by Email at [Maybelle.Sparks@tn.gov](mailto:Maybelle.Sparks@tn.gov).